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8 Starship Entertainment Co., Ltd.

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12  
13 *In re Ex Parte Application of* )  
14 Starship Entertainment Co., Ltd., ) Case Number:  
15                                      ) )  
16                                      ) ) **DECLARATION OF SERAN SHIM IN**  
17                                      ) ) **SUPPORT OF STARSHIP**  
18                                      ) ) **ENTERTAINMENT CO., LTD.'S EX**  
19                                      ) ) **PARTE APPLICATION FOR ORDER**  
20                                      ) ) **PURSUANT TO 28 U.S.C. § 1782**  
21                                      ) ) **AUTHORIZING DISCOVERY FOR USE**  
22                                      ) ) **IN FOREIGN PROCEEDINGS**  
23                                      ) )  
24                                      ) )  
25                                      ) )  
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28                                      ) )  
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I, Seran Shim, declare that:

1. I am more than 21 years of age, am competent to testify on the matters stated in this declaration, and, except as may be otherwise stated in this declaration, have personal knowledge of the matters stated in this declaration.

2. I am a Director of Starship Entertainment Co., Ltd. (hereinafter “**Applicant**”), a limited liability company established on March 4, 2008 under the laws of the Republic of Korea.

3. The principal place of business of the Applicant is located in Seoul, Republic of Korea, and the Applicant is engaged in the entertainment business and manages and trains K-pop singers and talents.

4. This declaration is in support of the Applicant’s *Ex Parte Application for an Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in Foreign Proceedings*.

5. Many customers of the Applicant view the Applicant’s information online by searching for the Applicant on the Google search engine.

1       6. An anonymous individual (hereinafter “**Anonymous Individual**”), using the  
2 YouTube channel named *[Taldeok Prison Camp] Sojang*<sup>1</sup> (“**【탈덕수용소】 Sojang**” in the  
3 original Korean language) (hereinafter “**YouTube Channel**”) located at  
4 <https://www.youtube.com/@talduksojang>, published as many as twenty YouTube videos  
5 (hereinafter “**YouTube Videos**”) concerning the Applicant in which the Anonymous Individual  
6 states various falsities concerning the Applicant and its singers and talents; attached as **Exhibit 1**  
7 is a true and correct screenshot of the YouTube Channel as of May 9, 2023.

8       7. As examples, among the YouTube Videos, three of the defamatory and false videos  
9 that the Anonymous Individual has published on the YouTube Channel concerning the Applicant  
10 or its singers are located at:

- 11             (a) <https://www.youtube.com/watch?v=TSMtsam838c> (hereinafter  
12                 “**Video 1**”);
- 13             (b) <https://www.youtube.com/watch?v=pZJeeMvtyBI> (hereinafter  
14                 “**Video 2**”); and
- 15             (c) <https://www.youtube.com/watch?v=hQ6r6CCohLY> (hereinafter  
16                 “**Video 3**”).

17       8. Until recently, the YouTube Channel’s web address was  
18 <https://www.youtube.com/@|||||||> (hereinafter “**Previous Address**”); attached  
19 as **Exhibit 2** is a true and correct screenshot of the handle of the Previous Address saved prior to  
20 the address being changed to that of the YouTube Channel.

21       9. The handle of a YouTube channel is the web address of the channel that is indicated  
22 after <https://www.youtube.com/>.

23       10. The Anonymous Individual appears to own another channel on YouTube named  
24 *[Yipdeok Prison Camp] Sojang* (“**【입덕수용소】 Sojang**” in the original Korean language)  
25 (hereinafter “**Second Channel**”) located at <https://www.youtube.com/@sojang9724>.

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<sup>1</sup> “Sojang” means the head of a prison camp in Korean and within the context is descriptive of the  
28 operator of the YouTube Channel.

1       11. I have a strong suspicion that the Second Channel is owned by the same person as  
2 the Anonymous Individual, because the names of the YouTube Channel and the Second Channel  
3 are similar, the appearance of the channels are similar, and the Second Channel has no content  
4 except a link to the YouTube Channel; attached as **Exhibit 3** is a true and correct screenshot of the  
5 “About” page of the Second Channel which shows the link to the YouTube Channel.

6       12. Video 1 primarily states falsities and defames the Applicant, and Video 2 and Video  
7 3 primarily state falsities and defame a singer named Won-young Jang (hereafter “**Singer**”) who  
8 is employed by the Applicant.

9       13. The false and defamatory statements being made in Video 1, Video 2, and Video 3  
10 have interfered with, and continue to interfere with, the Applicant’s business by harming the  
11 Applicant’s reputation and that of its singer.

12       14. In Video 1 , Video 2, and Video 3, the following are explanations of several words  
13 being used in the videos:

- 14              (a) at 1:28 in Video 1, PROD is the abbreviation for PRODUCE X 101, an idol  
15 debut program on M-net channel;
- 16              (b) at 1:31 in Video 1, CRAVITY is a male idol group managed by the  
17 Applicant;
- 18              (c) at 1:33 in Video 1, vidcall means “video call”, whereby members of an idol  
19 group interact with fans live through a video call;
- 20              (d) at 1:33 in Video 1, fansign is Korean slang for an autograph event, whereby  
21 members of an idol group meet and sign autographs for fans;
- 22              (e) at 1:54 in Video 1, the “warehouse visit” event was an event hosted by YG  
23 Entertainment (a major entertainment management company in South Korea) for a new  
24 album release of one of the idol groups that it manages;
- 25              (f) at 2:05 in Video 1, IVE is a female idol group managed by the Applicant;
- 26              (g) in the title of Video 2, crazy fan is Korean slang that means mentally insane,  
27 freak, and psychopath;

(h) in the title of Video 2, fan-hate is Korean slang that is used to express celebrities' tendencies through their words and actions to hate their fans (usually rude or obsessive fans); and

(i) at 0:02 in Video 2, Won-young Jang is a member of IVE.

15. In Video 1 at 1:24, the Anonymous Individual falsely states that “Starship has been long notorious for hoarding”; in the Korean music industry, hoarding means the self-purchasing of self-published music albums.

16. Throughout Video 1, the Anonymous Individual either directly states or implies that Starship self-purchases its music albums.

17. These statements in Video 1 are plainly false because the Applicant is not, and has never been, notorious or otherwise known for hoarding or self-purchasing of self-published music discs; the Applicant has never hoarded or purchased music discs that it publishes to inflate numbers on sales charts; the Applicant has never engaged in any acts to manipulate any music disc sales volumes; and, the Applicant has never engaged in similar acts that may be implied in Video 1.

18. It is my understanding that the act of hoarding or purchasing music discs to inflate numbers on sales charts or otherwise manipulating music disc sales volumes is strictly prohibited by law in the Korean music industry and it is a crime under the laws of the Republic of Korea.

19. In Video 1 at 1:33, the Anonymous Individual states, implies, or otherwise distorts the facts by falsely stating that Starship was involved in the manipulation of the vidcall and fansign event prize winner.

20. The foregoing statement is false because the Anonymous Individual falsely states that CRAVITY apologized for manipulating the vidcall and fansign, which is plainly false because CRAVITY has never apologized for what happened at the vidcall and fansign.

21. In fact, these events were hosted by record labels, for which Starship and CRAVITY had absolutely no control over.

22. Additionally, the issues that occurred at the vidcall and fansign events were caused by computer system errors on the part of the record labels, which the record labels have publicly acknowledged and apologized for.

1           23. In Video 1 from 1:54 to 2:23, the Anonymous Individual distorts the meaning and  
2 purpose of the YG event, and states, implies, or otherwise distorts the facts and falsely states that  
3 the event was for the purpose of denouncing the Applicant or its singers for the Applicant's  
4 hoarding or self-purchasing of self-published music albums.

5           24. The foregoing statement is plainly false, because as explained in Paragraphs 15  
6 through 17 herein, the Applicant has never been involved in hoarding or self-purchasing of self-  
7 published music discs and has never manipulated music disc sales volumes.

8           25. Additionally, YG has never either expressly or impliedly hinted that the event was  
9 for purposes of denouncing the Applicant, and the distortion of the meaning of the YG event  
10 significantly harms the reputation of the Applicant by accusing the Applicant of crimes that it has  
11 never committed.

12          26. In Video 2 at 0:13, this statement is the start of a situational play for an autograph  
13 session, in which the Singer played the role of a fan by greeting another member of IVE, An Yujin  
14 by saying "I saw you yesterday".

15          27. In Video 2 at 1:03, when read in conjunction with the title of the video, the  
16 Anonymous Individual falsely states or implies that the Singer hates her fans and the Singer views  
17 her fans as mentally insane, freaks, or psychopaths.

18          28. The foregoing statement is plainly false because the Singer has never, and has had  
19 no reason to ever, hate her fans or view her fans as mentally insane, freaks, or psychopaths, and  
20 by stating or implying that the Singer has such views significantly harms the Applicant's business  
21 by defaming a singer employed by the Applicant.

22          29. In Video 3, the Anonymous Individual falsely states or implies that the Singer  
23 discriminated against other singers by not greeting them properly.

24          30. This is plainly false, because when viewing the actual recording from which Video  
25 3 was created from and how she greets other singers, there is no way that anyone would understand  
26 her acts as being discriminatory.

27          31. As of May 10, 2023, Video 1 has been viewed more than 460,000 times, Video 2  
28 has been viewed more than 350,000 times, and Video 3 has been viewed more than 1,090,00 times,

1 and these videos have significantly defamed the Applicant and the Singer who is an employee of  
2 the Applicant, causing significant damages to the Applicant's reputation and business.

3 32. The Applicant has filed a civil lawsuit in the Seoul Central District Court in Seoul,  
4 Republic of Korea, under case number 2022GADAN5332576 (hereinafter "**Civil Case**") against  
5 the Anonymous Individual for publishing the YouTube Videos, which include Video 1, Video 2,  
6 and Video 3, and the Applicant is claiming defamation and business interference under the laws  
7 of the Republic of Korea.

8 33. Because many of the Applicant's customers learn about the Applicant and its  
9 business through the internet, the YouTube Videos damaged the Applicant's reputation and had,  
10 and continues to have, a significant negative effect on the Applicant's business and reputation,  
11 whereby customers have been misled in believing that the Applicant is self-purchasing its singers'  
12 albums to manipulate sales volumes, which is extremely harmful and damaging to a K-pop  
13 management company like that of the Applicant because it is considered a severe crime similar to  
14 the crime of stock price manipulation in the Republic of Korea.

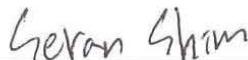
15 34. The Applicant has been unable to identify the true identity of the Anonymous  
16 Individual, preventing the Applicant from proceeding with the Civil Case.

17 35. Unless the true identity of the Anonymous Individual is revealed, the Applicant will  
18 be unable to pursue the Civil Case.

19 36. The identity of the Anonymous Individual will only be used for the purpose of the  
20 Civil Case against the Anonymous Individual.

21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct.

23 Executed on May 22, 2023.

24   
25 SERAN SHIM  
26  
27  
28

The screenshot shows a YouTube channel page. At the top, there is a large thumbnail featuring a cartoon character with red hair and a blue jacket, with Korean text overlaid: "안녕히 계세요 여러분~ 전 이 세상의 모든 굴레와 속박을 벗어던지고 제 행복을 찾아 떠납니다." Below the thumbnail, the channel's profile picture is a circular image of the same cartoon character. The channel name is "【탈덕수용소】 Sojang" and the handle is "@talduksojang". It has 81.9K subscribers and 277 videos. There are "Subscribe" and "Join" buttons. A navigation bar below the profile includes links for HOME, VIDEOS, PLAYLISTS, COMMUNITY, CHANNELS, ABOUT, and a search icon. In the middle section, there is a heading "Our members" followed by the text "Thank you, channel members!". To the right of this text are small circular profile pictures of various channel members. Below this, there is a section titled "회원 전용 동영상" with a "Play all" button, indicating a collection of videos available only to channel members. At the bottom, there is a row of thumbnail images for different video uploads.

**Exhibit 1**



**Exhibit 2**



## 【입덕수용소】 Sojang

@sojang9724 구독자 3.57천명 동영상 없음

채널 자세히 알아보기 >

홈

재생목록

커뮤니티

채널

정보



### 세부정보

위치: 대한민국

### 링크

【탈덕수용소】 Sojang

**Exhibit 3**